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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-2902

ANDREA RAE RASMUSSEN

A C C U S A T I O N

13058 Beaver Street
Sylmar, CA 91342

Vocational Nurse License No. VN 197623

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about December 12, 2001, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 197623 to Andrea Rae Rasmussen (Respondent). The Vocational Nurse License expired on May 31, 2011, and has not been renewed.

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1 7. Section 2878 of the states, in pertinent part:

2 "The Board may suspend or revoke a license issued under this chapter [the Vocational
3 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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6 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
7 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
8 evidence of the conviction."

9 8. Section 2878.5 states, in pertinent part:

10 In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
12 under this chapter to do any of the following:

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14 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety
15 Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in
16 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the
17 extent that the use impairs his or her ability to conduct with safety to the public the practice
18 authorized by his or her license.

19 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
20 drug, or the prescription, consumption, or self-administration of any of the substances described
21 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
22 conclusive evidence thereof."

23 9. Section 2878.8 of the Code states:

24 "The board may deny any application or may suspend or revoke any license issued under
25 this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure, suspension,
26 restriction, or other disciplinary action of a license by another state, any other government
27 agency, or by another California health care professional licensing board. A certified copy of the
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1 finding shall be conclusive evidence of that action provided that, if from another state, the
2 findings establish an act which if committed in California would be grounds for discipline."

3 REGULATORY PROVISIONS

4 10. California Code of Regulations, title 16, section 2521, states:

5 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
6 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensed
8 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
9 vocational nurse to perform the functions authorized by her license in a manner consistent with
10 the public health, safety, or welfare."

11 COST RECOVERY

12 11. Section 125.3 states, in pertinent part, that the Board may request the administrative
13 law judge to direct a licensee found to have committed a violation or violations of the licensing
14 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15 case.

16 FIRST CAUSE FOR DISCIPLINE

17 (Conviction of a Substantially Related Crime)

18 12. Respondent is subject to disciplinary action under sections 2878, subdivision (f) and
19 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
20 Respondent has been convicted of a crime substantially related to the qualifications, functions or
21 duties of a licensed vocational nurse, as follows:

22 a. On or about January 19, 2011, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
24 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
25 proceeding entitled *The People of the State of California v. Andrea Rae Rasmussen* (Super. Ct.
26 Los Angeles County, 2011, No. 0WA13909). The Court sentenced Respondent to serve 96 hours
27 in Los Angeles County Jail and placed her on 36 months probation, with terms and conditions.
28 The circumstances surrounding the conviction are that on or about September 29, 2010,

1 Respondent was driving on the wrong side of the road when she was contacted by the Veteran
2 Affairs Police Department. While speaking to Respondent, the officer detected a strong odor of
3 an alcoholic beverage emitting from her breath. She was observed to have blood shot watery
4 eyes, droopy eyelids, and slurred speech. When asked what she had been drinking, Respondent
5 stated, "a pint." When asked, "A pint of what" she replied, "vodka." During the booking
6 procedure, Respondent submitted to a breath test that resulted in a breath-alcohol content of
7 0.15% on the first reading, 0.12% on the second, and 0.14% on the third.

8 b. On or about September 16, 2010, Respondent was convicted of one misdemeanor
9 count of violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% or
10 more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People of the*
11 *State of California v. Andrea Rae Rasmussen* (Super. Ct. Los Angeles County, 2010, No.
12 0VY03830). The Court sentenced Respondent to serve 13 days in Los Angeles County Jail and
13 placed her on 36 months probation, with terms and conditions. The circumstances surrounding
14 the conviction are that on or about July 27, 2010, during a traffic stop by the California Highway
15 Patrol Department, Respondent was contacted. Respondent was found to have been weaving
16 from side to side. While speaking to Respondent, the officer detected a strong odor of an
17 alcoholic beverage emitting from her breath and person. She was observed to have watery eyes
18 and slurred speech. During the booking procedure, Respondent submitted to a breath test that
19 resulted in a breath-alcohol content level of 0.26% on the first reading and 0.24% on the second.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 13. Respondent is subject to disciplinary action under section 2878, subdivision, (a), as
23 defined in section 2878.5, subdivision (b), in that Respondent used alcoholic beverages to an
24 extent or in a manner dangerous or injurious to herself, any person, or the public. Complainant
25 refers to, and by this reference incorporates, the allegations set forth above in paragraph 12,
26 subparagraphs (a) and (b), inclusive, as thought set forth fully.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Convictions Involving the Consumption of Alcohol)**

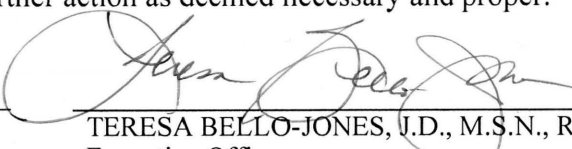
3 14. Respondent is subject to disciplinary action pursuant to section 2878, subdivision, (a),
4 as defined in section 2878.5, subdivision (c), in that Respondent was convicted of a crime
5 involving the consumption of alcohol. Complainant refers to, and by this reference incorporates,
6 the allegations set forth above in paragraph 12, subparagraphs (a) and (b), inclusive, as thought
7 set forth fully.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board issue a decision:

- 11 1. Revoking or suspending Vocational Nurse License No. VN 197623, issued to
12 Respondent;
- 13 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
14 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: **FEB 01 2013**

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18 TERESA BELLO-JONES, J.D., M.S.N., R.N.
19 Executive Officer
20 Board of Vocational Nursing and Psychiatric Technicians
21 Department of Consumer Affairs
22 State of California
23 Complainant

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